IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.353 OF 2006
IN
CRIMINAL APPEAL NO.823 OF 2005

Baban Kundlik Bansode ...Applicant.
Versus
The State of Maharashtra ...Respondent.

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Mr.Abhaykumar Apte, Advocate for the Applicant.
Smt.V.R.Bhosale, APP, for the State.

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CORAM : D.G.DESHPANDE AND
SMT.V.K.TAHILRAMANI, JJ.

DATE : MAY 05, 2006.

P.C.:

. Heard Mr.Apte learned Advocate for the applicant and Smt.Bhosale learned APP for the State.

2. The applicant had earlier preferred an application for bail, which came to be rejected on merits by this Court. Now, the applicant is seeking bail on medical ground.

3. Mr.Apte learned Advocate for the applicant has stated that the applicant is about 60 years of

age, he does not have teeth and he is also suffering from many medical problems. Hence, the applicant may be released on bail.

4. The applicant is at present in Yerwada Central Prison, Pune. The learned APP has stated that the applicant has been medically examined from time to time as necessary and the latest health report of the applicant dated 2.5.2006 shows that the applicant has no history of any major illness in the past. The only problem that the applicant is suffering is, of and on, from back ache, knee pain and dry cough. The clinical diagnose is that he has paraspinal muscle spasm. The report of the Doctor shows that on clinical examination the applicant is found to be stable and physically fit except for back ache. It is stated that for the said, the applicant would be taken to experts so also as the applicant does not have teeth, he would be given proper diet and the authorities will provide necessary medical facilities to him.

5. Looking to the medical report of the applicant, we do not think that this is a fit case to grant bail to the applicant. However, it is directed that the applicant shall be taken within one week from communication of this order to necessary medical experts and/or hospital. In view of the above facts and circumstances, the application for bail of applicant is rejected

5. Application is disposed of with above direction.

6. Office to communicate this order to the applicant who is in Yerwada Central Prison, Pune, immediately.

(D.G.DESHPANDE, J.)

(SMT.V.K.TAHILRAMANI,J.)